

FILED

1 of 21

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 17 2023

MITCHELL R. ELFERS

CLERK

Declaration

I am suffering irreparable injury and am threatened with the continuation of said injury by the actions of the persons persons mentioned herein.

I, along with my four siblings turned co-defendants, have been detained in federal custody for nearly half a decade on trumped up charges awaiting trial albeit the actual evidence depicts an adversely startling and rather Conscience Shocking reality that any good faith, reasonable individual would find appalling and offensive, that all acts committed by my siblings and I were lawful, done in good faith, sans any malicious intent and protected under the Constitution.

1. On August 3, 2018 Taos County Sheriff's Office (TCSO) executed a search warrant on our ^{Private} property located at Unit 2 Lot 28 Costilla Meadows Subdivision Amalia, NM 87512, an unlawful search and seizure due to the fabricated probable cause and perjured affidavits used to obtain it. (See Doc 513, 564).

2. CYFD's representatives Tony Barajas and Sherrie Duran arrived on the scene to notify us that our children will be placed into foster care where they were interrogated without consent and knowledge of their parents, legal guardian, or legal representation, and otherwise coerced into providing statements used to indict us. (Doc 564, 513)

3. TCSO would then inform myself, Subhanah, and Jany that we were not allowed to remain on the property - illegal eviction - (Doc 513) due to an alleged investigation and because the previous owner, Jason Badger, wanted his land back although as per court order, allowed us to remain on said land. (Doc 514-4)

4. I, Subhanah, and Jany were then transported into one vehicle while the children were divided and transported into three vehicles to CYFD where we reunited and spent several hours together.

5. After we overheard one of the employees state "Six years and older," one by one our children ages six years and older were called in a back room, unbeknownst to us to be interviewed by FBI agent Taylor and Det. Kim Strafella.

6. I, Subhanah, and Jany were then called in the back room one by one to be interviewed by FBI agent Taylor and Detective Kim Strafella.

7. After bonding with the children and Jany breastfed her then 11 month old nursing child, we said goodbyes as their foster parents arrived on the scene. That was the last time we saw our children in person.

8. I, Subhanah, and Jany were then taken to a shelter Community Against Violence (CAV) where we would stay until August 5, 2018.

9. On August 5, 2018 I, Subhanah, and Jany were transported by CYFD employees from CAV to CYFD because, as per the representatives, to assuage our distressed children's

adjustment issues.

10. At CVFD instead of reuniting with our children, we were met by Officer Zael who interviewed us.

11. After the interview concluded three officers walked in and announced they had arrest warrants for myself, Subhanth, and Jany.

12. After peering over the documents I announced the abuse and neglect charges were false in which one of the male officers replied I could address when I stand before the judge.

13. After we retrieved our identification and personal property from our pocketbooks, we surrendered to the restraints.

14. The officers acknowledged that since we responded civilized we would be handcuffed in the front.

15. We were separated into three cars while the transporting officers drove us to Tazewell County Detention Center, booked and detained only to have the charges dismissed on August 23, 2018.

16. After probable cause failed to meet its burden of proof in the state case, on August 31, 2018, Subhanth, Jany, Lucas, Siraj, and I were detained in federal custody.

17. Just as in the state case, probable cause was fabricated in the federal case to obtain an arrest warrant (See Doc 513).

18. I was provided with court-appointed federal defense attorneys who I would blindly follow, relying on their knowledge, skills, and expertise with the presumption that they had my best interest at heart, especially being

Newly incarcerated, vulnerable and foreign to the justice system/adjudication process. This decision has cost me years of my life; years I will never get back due to the ineffective assistance of counsel provided to me by my counselors. (See Doc 475).

19. During my stay at Sandoval Detention Center my two previous attorneys Ms. Bhalla and Ms. Duncan made sure I was comfortable, attended to my religious needs, ordered books, and visited often. I am ever so grateful to them for this.

20. Besides a few conversations about text messages in the discovery - which at that point we were still waiting for - inquiries about whose cell phones were whose, and a request to produce a documentation outlining all the addresses I lived at prior to my relocation to New Mexico, there was no significant movement in the case that I was aware of, nor advisement, nor counsel, such as continuing preliminary hearing, agreeing to declare the case complex, and what would come years later, placing a stay on proceedings until competency issues are resolved.

21. During some of the visits at Sandoval Ms. Bhalla continuously eroded my confidence in the judiciary's impartiality and fairness, with comments regarding the presiding judge, Judge William P. Johnson, such as, "he's grumpy/grancky, known to defer to the government, the worst Judge (I) could have, so bias he's likely to refer to (my religious

is palatable.

24. While Ms. Durran did not make any derogatory statements about Judge Johnson, she did not deter her colleagues from doing so on the occasions she witnessed them, leaving me with the impression that the verdict was already in due to the disparity in my race and religion, the nature of the charges and a Judge whose strings are pulled by the government. There was no hope that I would get a fair trial so I had better get comfortable was the constant impression inculcated in me (not verbatim, implied).

25. While detained at Sandhills Detention Center Officer McConner targeted me because of my charges and faith. She made it known quite vociferously to officers and inmates alike on every occasion possible that she despised me. She professed her desire to inmates - to shoot me in my head. She made garbled, what was supposed to be Arabic sounds as I passed by, while laughing. She was precluded from performing tasks such as walking me to legal, medical appointments, and work, rather she'd enlist other officers for the job because she couldn't fathom being in close proximity to me. When anything derogatory was aired on TV about Muslims she raised the volume to full capacity to make sure everyone in the pod would watch it. She complained to the captain of his decision to let me wear my hijab (Islamic headress) in the facility. She protested my job as a kitchen worker because in her opinion I could "poison the Americans." Ms. McConner found every opportunity to torture me giving me PTSD every time

headdress) as a hat, not my preferred crown but I know how to work (that crown), a (male genital organ)," and when compared to Judge Brownin, "at least he's (Judge Brownin) humane."

22. On the contrary, I did not find him to be any of these during my hearing on July 5, 2022. I found Judge Johnson to be nuanced, humane, drawing on his knowledge and experience to produce a fair outcome, and not a slave of the government as he was unremittingly painted out to be.

23. I have witnessed firsthand accounts of inmates who returned from Court with Judge Johnson encouraged by words he imparted on them. Many of the women lack positive male figures/disciplinarians, and to come back from sentencing or Court not necessarily happy with the verdict but inspired because Judge Johnson encouraged to pursue educational goals, ~~as~~ professed that he believed they could achieve their goals, explained that if they did good on probation they could potentially complete it early, and imparted good old fashion Father Figure advice, like in the case of a young woman who was in a revolving door abusive relationship with the father of her children. The hope that Judge Johnson has given to some of the women - especially a legally deaf young woman who went on and on about him although disappointed about her sentencing and had new motivation to go after her PhD in Psychology because he told her he didn't see why she wouldn't be able to achieve it -

She was on shift. My heart palpatated, anxiety overcame me, and I had to be hypervigilant since her threat on my life.

26. Using the prescription from the Quran to "Repel evil with what is better, then you will see that one who was once your enemy has become your dearest friend," (Quran 41:34) I continued to show her the utmost respect and cordiality. Alas, Ms. McConnor had a change of heart when I mediated a fight between two young women, lodging my body between them preventing the fight. From that day forward she saw me for who I am, and spent time engaging me in conversation, laughs, and she even ate the Cajun potatoes I made on the grill one day, when she entered the kitchen.

27. During my incarceration from August 31, 2018 until present, I was ping panged to many facilities because several of them lost their contracts. I have been stalked by inmates and officers. I have been subjected to the lechery and perversity of the environment that condones such behavior. I have been subjected to sexual passes made at me. I have been forced to witness PREA behavior right next to me, no matter how much I plug my ears and cover my eyes. I have witnessed debts being paid by broomsticks (that's horrible). I have been estranged from my only child - who in my care was an honor roll student, a published author at 7, an aspiring teacher, a lover of babies, and my best friend who globe trotted

With me to conventions, vacations, community outreach projects, and everything in between. I have developed a health issue which still is unclear, as tests are being done which leaves me in pain 24/7 due to the poor quality food, water, ~~molded air~~ Black mold air in poorly ventilated air conditioners at Cibola. In every other facility I was healthy. I had to witness overbuses, fights, breathe second hand illicit smoke, and otherwise live in what felt like a war zone due to lazy staff, and otherwise an inmate rule ran facility. Being subject to the extreme mental anguish for 14 months has physically burdened me. I hope medical can pinpoint the health issue so I can get it resolved.

28. After being left in the dark for too long, I began to educate myself when I discovered information that could potentially help my case.

29. On or around the week of March 30, 2022 I notified my new defense attorney, Donald Kochersberger about how I'd like to progress my case- including in that was a request for a Frank's Hearing- a notarized document that signified to both him and Ms. Duncan that I was educating myself about the case, the adjudication process, and I was aware of some of the actions set forth from my attorneys that severely prejudiced me and my siblings. (See Doc 475, 513). I sent a letter to the courts to preserve the records of said instructions.

30. One week later, April 8, 2022 my attorneys

Filed my very first Speedy trial demand. I was unaware of a speedy trial demand and its significance in my case. Had I not sent the directives to my attorneys they would have never filed it. Nevertheless, three years later my first Speedy trial demand was filed.

31. Unwilling to accept the incessant ineffective assistance of Counsel and the fact that MS. Duncan was still keeping vital information from me in violation of NMRA, I exercised the right to redress my grievances by filing an ethics complaint on both MS. Bhalla and MS. Duncan on May 6, 2022.

32. MS. Duncan responded expeditiously - I was impressed to observe her ability to expedite litigation; if only I was afforded the same promptness on my case, perhaps I would have been home caring for my daughter by now.

33. MS. Duncan went on a mad dash to correct the main issues I complained about on the ethics complaint, things that she could have done and should have done years ago. 1) She got on the phone with Jang's lawyers who called the Marshalls and finally after three years of being in Prison out-of-State, Jang was back in New Mexico one month after my ethics complaint. (2) I was promised to have a full Set of discovery - four years later still no Full set. The hardware drive with my discovery arrived one month after my ethics complaint. (3) MS. Duncan sent me correspondence emphasizing the need to move

Swiftly, she wanted to file a motion to lift the stay, set pre-trial deadlines, schedule a conference hearing, and acknowledge that I oppose the stay. She asked that I confirm/ approve the motion "no longer than Monday," stating, "the faster we file this the better. That correspondence arrived immediately following the ethics complaint (4) Whereas all prior visits from Ms. Duncan were telephonically or via zoom though Covid restrictions were lifted, Ms. Duncan began to visit me in person after I filed the ethics complaint. In those two visits, for the first time I saw a handful of motions that were to be filed whenever the stay was lifted.

34. Ms. Duncan's expeditious attempts to redress her violations of Professional Conduct over the past four years not only validated my ethics complaint but it served as the foundation for my hearing to replace her on July 6, 2022, which then catapulted the case forward.

You cannot argue against the facts. Alas, on October 14, 2022 the Courts lifted the stay (see Doc 464), and Ms. Duncan was allowed to withdraw from the case.

35. Siraj Wahhaj filed a motion to dismiss (see Doc 513) on November 14, 2022 implicating the individuals (a significantly large amount of people vested in this case) responsible for our

incarceration and others our continued unjustifiable pretrial detainment. One of his lawyers, Erlinda Johnson, conveniently withdrew from the case the very same day he filed the motion. The actions of our attorneys immediately following documentation of their complicity in the unprecedented legal atrocity/assault on our family is the same; withdrawal.

36. Due to the collaboration, willful participation, and collusion of irresponsible journalism, TCSO, FBI, CVFD, and our defense attorneys all working interdependently to amass such an indignity against us (see 513, 475) I have been prejudiced, irreparably harmed, and subjected to:

- ① Mental Anguish (Extreme)
- ② PTSD
- ③ Estrangement from my only child
- ④ Loss of reputation in New York, Atlanta, Ga, and the world, as this case went global.
- ⑤ Threats on my life, including from an officer.
- ⑥ Perversity, Techery, Stalking of inmates and officer.
- ⑦ Unrelenting pain Sexually harassed by PREA Violations.
- ⑧ Unrelenting pain/health issue developed at Cibola County in 2021 until present.
- ⑨ the forced removal of my Islamic headdress to and from my psychological evaluation in 2020 and 2021 at several facilities and in transport, on the bus

and plane where countless men saw me exposed, without proper modest clothing, nor the mandatory hijab, in violation of my first Amendment right.

⑨ Countless, unjustifiable Strip searched without Probable cause -

⑩ Consumption of impermissible non kosher/ non Halal foods which contributed to the health issue I am currently suffering from.

⑪ Denial of religious services such as an Arabic Quran, mandated weekly services - Jummah - culturally competent persons in the capacity of acting Chaplains, except for in MDC Los Angeles, and absolutely vacant Chaplaincy at some facilities, including Sandval, Cibola, and Santa Fe.

⑫ Defamation of Character.

⑬ Hostile environments due to the nature of my charges.

Furthermore the psychological issues from the trauma - which was not present prior to the illegal, unconstitutional separation of our children perpetrated by TCSO, FBI, and CYFD, along with defense attorneys for allowing it to go on for so long are:

- ① For some, therapy and prescription medicine
- ② For at least two, nightmares and night terrors.

- (3) For at least one, fear of sleeping alone.
- (4) For at least one, the hearing of Voices.
- (5) PTSD
- (6) Estrangement - furthering the psychological torture.
- (7) For at least one, Freezes whenever he sees an officer.
- (8) ^{Loss} ~~loss~~ of bond with children too young to remember their parents.
- (9) Violations of their first amendment right to practice their faith, the stripping of their proper religious practice when placed into foster care, exposing them to the harmful influences we worked their entire lives to protect them from, forced to eat pork.
- (10) Our children were taught to lie, were taught to lie on their parents, were taught to lie to officials, were taught that officials has the right to sever them from their parents because of the lie they were coached to say, all to further Pre-existing conspiracies against our family. (See Doc 513).

The evidence demonstrates that the federal government, led by the FBI, did use state and local officials to illegally seize our persons and property so that they would not be held responsible or accountable should things go south. (See Doc 513, 475).

The evidence delineates that over the past 53 months and counting my siblings and I had a cornucopia of constitutional violations against us to include the 1st, 2nd, 4th, 5th, 6th, and 14th Amendments as well as violations of the Religious Freedom Restoration Act (RFRA) perpetrated by law enforcement officials. (See Doc 513, 475, 564).

Evidence confirms the FBI outrageous conduct in conducting the investigation in violation of our rights to due process and rights to be free from outrageous government conduct pursuant to the Fifth Amendment of the U.S. Constitution was immoral and shocking to the conscience to further their fantasies of outing Unsubstantial alleged terroristic activities. (See Doc 476).

The evidence describes a clear and present denial of due process of law per our constitutional right and cascades to a federally mandated cover up in violation of our family's civil and constitutional rights.

Conclusion

The Court time and resources along with taxpayers' Wherewithal has been exhausted on a family who is innocent, with no hard facts to support the charges against them, evidence of manufactured charges, perjury, and a laundry list of violations, unethical, immoral, illegal, and illicit behavior from law and government representing officials (See Doc 475, 513, 564, 476).

The Courts have been put in a compromising position. Its silence and strange refusal to entertain hearings on any of the motions, even if it decides to rule against the defendants, is a clear indication of the grave matter at hand; this is a case that most would not want their hands on. Either that or the motions filed by our lawyers were intentionally faulty and designed to have denied.

I acknowledge it is honorable to mete out disciplinary actions to persons who break the law. It is honorable to protect the citizenry from persons who seek to cause it harm. It is honorable to carry out extensive and thorough investigations to ensure public safety, and it is honorable to protect our Country from threats and/or perceived threats. It is not, however honorable for persons who committed no crimes, in which the evidence clearly exonerates them, to sit and wait in a spot that precludes persons who really committed a crime to occur.

I am calling upon the government - who after 53 months and counting of scrutiny has concluded that our family is not, have never been, and will never be a threat to themselves or others, especially the government - to fulfill its honorable commitment to uphold justice, and not merely pursue a conviction. Sometimes a conviction and/or the pursuing of a conviction is not justice.

I acknowledge the dilemma in which the Courts and the government is in. This has become a burden for all parties involved. The optics won't look good if after so many years, given its extremely high profile status and nature of the charges, for it to do an about face.

All parties can agree that the Courts time, resources, and taxpayers where withal have been utterly exhausted on us. We do not wish to clog up any more of the Courts time as I can only imagine how many cases it has to resolve. We abhor the fact that we had to meet under such circumstances, but now that we are here I would like to extend a Peace Treaty.

Just as this is an unprecedented case, it calls for an unprecedented win/win resolution where both parties can walk away with dignity, honor, and nobility, the Courts and the government can still uphold its reputation as being firm against, and intolerant of crime, the defendants can get busy implementing solutions to many of the problems plaguing society, and no one needs to know the government had its knee on our neck for 53 months and counting.

Before I present the Peace Treaty, I sign off with this:

The fact of the matter is that ~~we~~ we are assets to the Community, the government, and the nation. We have

Bought, for the majority of our lives to improve the conditions and lives of the people.

Over the past 53 months we have utilized our education, experiences, and passion to help the incarcerated population through a multitude of modalities such as peer counseling, spiritual advisory, mentorship, tutoring, and good ole fashioned tough love when inmates needed to hear the truth about personal responsibility and the consequences of their actions -

Because of this experience we were able to encourage addicts to get clean, parents to become serious about better parenting, mediate fights, and guide inmates to pursue educational and possible future vocational opportunities to improve their conditions.

We are not perfect, rather we are law-abiding citizens with a huge capacity to help others.

We are passionate about instituting state of the art orphanages, group homes, foster care only neighborhoods, with the motto, no child left unloved.

We are passionate about lowering recidivism by instituting initiatives that get to the root of many of the incarcerated's deep rooted issues.

We would like to be considered only after extensive scrutiny and only if found to have created the highest level quality programs - as a resource to help end the suffering of the people by recommendations to our programs which will take time to build, naturally.

Send undercover agents, C.I.'s to test our program if you have to, we can't walk away after witnessing this eye opening problem plaguing society without being a part of the solution.

Thank You to the Courts for your time and assistance in this matter.

PEACE TREATY

1. Drop all charges for immediate release and we will not pursue civil suits against the individuals who played a part in this scandal.

2. In the public sector and for private, we ask that our names be cleared in the eyes of the public via the media. It can be said that due to bad intel we were arrested and due to the level of intel being of national security we agreed as model citizens to remain detained pending an investigation for the protection of ourselves from the public and the public from ourselves.

3. After four years of little to no incident the parties forged a peacetreaty agreeing upon our immediate release, the scaling up of our case in its entirety, as well as a gag order that we nor they are allowed to speak of the case ever again.

4. All property except Arms and Ammo are returned to us, to signify a peace olive branch.

5. To be reunited with our children once we are able to resume to take care of them, full parental rights restored, a waiver for child support, and an apology to our children in the person with the explanation that it is honorable to investigate to the fullest extent a matter until it has been concluded that there was no merit and that they were not the reason for our incarceration, and it's not okay to lie.

6. To be awarded good faith attorneys to oversee the action making sure ironing out every possibility imaginable, and to tie up any loose ends.

Thank you again for your time.

The Day will come when We raise up in every people a witness against them from amongst themselves, and We will bring up as a witness against these people. We have sent down the Book to you to make everything clear, a guidance, and a mercy, and glad tidings for those who submit to God. God commands justice, kindness and giving their (due to) near relatives, and He forbids all shameful deeds, and injustice and transgression. He admonishes you so that you may take heed!

20 of 24

Fulfill the covenant of God when you have made one; and do not break your pledges after their confirmation. Indeed you have made God your Surety; for God knows all that you do. Do not, like the woman who unravels her yarn after its strands have been firmly spun, use your oaths as a means of deceiving one another, just because one community could have become bigger than another. God is only testing you by means of this. On the Day of Resurrection He will make it clear to you what you differed about. Had God pleased, He would have united you in one community; but He lets go astray whoever He will, and guides whoever He will, and you will surely be called upon to account for all your actions.

Do not use your oaths to deceive each other lest any foot should slip after being firmly placed and lest you will have a terrible punishment. Do not sell God's covenant for a paltry price. What is with God is lasting. We will certainly give those

210721

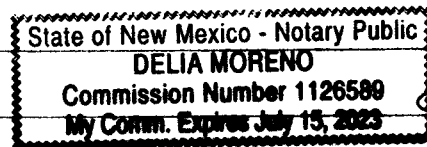
who are patient their reward according to the best of their actions. To whoever does good deeds, man or woman, and is a believer, We shall assuredly give a good life; and We will bestow upon them their reward according to the best of their works. (Quran 16: 89-97).

Hujrah Wahhaj

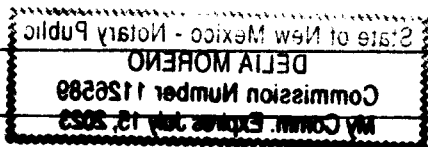
Hujrah Wahhaj

00415-151

Sworn on this
day ~~January~~ 13, 2023



DE



for use with Priority Mail.®
is a violation of federal law.
is not for resale.

PRIORITY
★ MAIL ★

is for use with Priority Mail.®
is a violation of federal law.
label is not for resale.

PRIORITY
★ MAIL ★

is for use with Priority Mail.®
is a violation of federal law.
this label is not for resale.

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 17 2023

MITCHELL R. ELFERS
CLERK



CERTIFIED MAIL

PLACE STICKER AT TOP OF FLAP (NOT TO BE FOLDED)
OF THE RETURN ADDRESS. FOLD AT BOTTOM LINE.

MITCHELL R. ELFERS
CLERK

NOV 14 2022

RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

Legal Mail



ZIP 87
02 4M
00003

Sing Wahay #00414151
P.O. Box 3540
Milan, New Mexico 87021

Pete V. Domenici U.S. Courthouse
333 Lomas Blvd. NW, suite 270
Albuquerque, NM 87102